

Senate, March 17, 1998. The Committee on Labor and Public Employees reported through SEN. PRAGUE, 19th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT PROHIBITING THE USE OF GENETIC INFORMATION IN EMPLOYMENT DECISIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) As used in this section:

2 (1) "Employer" means a person who has  
3 employees, including the state and any  
4 municipality or political or administrative  
5 subdivision of the state.

6 (2) "Employee" means any person engaged in  
7 service to an employer.

8 (3) "Genetic information" means the  
9 information about genes, gene products or  
10 inherited characteristics that may derive from an  
11 individual or family member.

12 (b) No employer may seek to obtain, obtain,  
13 disclose or use the genetic information of a  
14 prospective employee, present employee or former  
15 employee.

16 (c) No employer may solicit, require or  
17 administer a genetic test of a prospective,  
18 present or former employee to distinguish between,  
19 discriminate against, terminate, refuse to hire,  
20 affect the terms, conditions, or privileges of  
21 employment of, or restrict any rights or benefits

22 otherwise due or available to such prospective,  
23 present or former employee.

24 (d) No employer may offer compensation or  
25 benefits to any prospective, present or former  
26 employee in return for such employee taking a  
27 genetic test.

28 Sec. 2. This act shall take effect July 1,  
29 1998.

30 LAB COMMITTEE VOTE: YEA 13 NAY 1 JFS

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER SSB 80**

STATE IMPACT	Potential Indeterminate Cost, Eliminates Potential Future Year Cost Avoidance, see explanation below
MUNICIPAL IMPACT	Potential Indeterminate Cost, Eliminates Potential Future Year Cost Avoidance, see explanation below
STATE AGENCY(S)	Department of Administrative Services (Human Resources), Judicial Department, Various State Agencies

**EXPLANATION OF ESTIMATES:**

STATE AND MUNICIPAL IMPACT: The passage of this bill could result in additional costs to the State and municipalities that are indeterminate, and would eliminate potential cost avoidance to the State and municipalities as employers in future years. The bill prohibits employers from: 1. Seeking to obtain, obtaining, or disclosing genetic information; 2. Requiring or administering a genetic test for use in making employment or benefits decisions; and 3. Offering compensation or benefits in return for taking a genetic test.

The State could incur costs from the resolution of complaints brought by employees who maintain that their employer has required a genetic test or has used genetic information in an employment decision. The bill specifies neither a complaint process, nor penalties for violating the bill's provisions. Employees would

probably seek remedy either through labor/management meetings or through the courts. It is also not clear if this is an issue that would concern either the Commission on Human Rights and Opportunities or the Office of Protection and Advocacy for Persons with Disabilities. It is assumed that aggrieved employees would sooner or later seek remedy in the State courts (Judicial Department). The State and municipalities as employers could also incur potential costs to the extent that they are defendants in such actions.

At the current time, neither the State nor municipalities obtain genetic information on their employees. To the extent that genetic information can successfully predict future medical or behavioral problems, its use could reduce future long-term health care costs and costs resulting from absenteeism. The scope of genetic testing is rapidly expanding and the cost of the testing is rapidly declining. It is assumed that employers would not incur the costs of testing unless they anticipate that future savings and cost avoidance would result. Therefore, this would result in the elimination of potential cost avoidance in future years.

It should also be noted that the use of genetic information in making employment decisions might be a violation of the federal Americans with Disabilities Act (ADA). At this time, no complaints of genetic discrimination have been filed under ADA.

\* \* \* \* \*

#### **OLR BILL ANALYSIS**

sSB 80

#### **AN ACT PROHIBITING THE USE OF GENETIC INFORMATION IN EMPLOYMENT DECISIONS**

**SUMMARY:** This bill prohibits employers from (1) seeking to obtain, obtaining, or disclosing genetic information; (2) requiring or administering a genetic test to use in making employment or benefit decisions; and (3) offering compensation or benefits in return for taking a genetic test. It applies to prospective, current, and former employees.

The bill defines "genetic information" as information about genes, gene products, or inherited characteristics derived from an individual or family member.

EFFECTIVE DATE: July 1, 1998

#### **BACKGROUND**

##### **Related Law**

The bill uses the same definition of "genetic information" as PA 97-95. This act makes it an unfair and deceptive health insurance practice to use genetic information to refuse or limit coverage or as the basis for charging different rates.

#### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute  
Yea 13      Nay 1